IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL NO. 1:06CV371

| NATIONWIDE MUTUAL FIRE INSURANCE COMPANY, | |
|---|--------------------|
| Plaintiff, | |
| Vs. | ORDER OF DISMISSAL |
| BIO-MARK INTERNATIONAL, INC.; THE BURGESS GROUP, INC., d/b/a SIMPLY WEIGHT LOSS; and SENTRY MANUFACTURING, f/k/a SENTRY SUPPLEMENT COMPANY, | |
| Defendants. | |

THIS MATTER is before the Court on the Plaintiff's response to the Court's Order of April 26, 2007, and requests that the Court's dismissal of this action be without prejudice.

IT IS, THEREFORE, ORDERED that this action is hereby

DISMISSED WITHOUT PREJUDICE in its entirety.

Signed: May 14, 2007

Lacy H. Thornburg United States District Judge